FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4442 OF 2007

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. N.P. Deshpande for petitioner.
Mr. Nitin Mulye i/b Mr. G.S. Godbole for respondent.

CORAM: B.H. MARLAPALLE,J.

13/06/2007.

P.C.:

. Not on board, mentioned and, therefore, taken on board.

. This writ petition filed under Article 227 of the Constitution challenges the eviction decree passed by the Small Causes Court at Pune under the Maharashtra Rent Control Act, 1999 and confirmed by the learned Ad-hoc District Judge-10, Pune in Civil Appeal No. 442 of 2006 which is dismissed on 5/4/2007.

. The petitioner, therefore, has a statutory remedy of filing a Civil Revision Application under Section

115 of C.P.C. and as held by me in Writ Petition No. 4138 of 2006 vide the order dated 24/8/2006. When such a statutory remedy is available, a Writ Petition under Article 227 of the Constitution need not be entertained.

. Hence, the Writ Petition is disposed as such with liberty to the petitioner to file a Civil Revision Application and if such an application is filed within a period of two weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Annexures be returned, if applied for.

. Mr. Deshpande states that the decree passed has been stayed till tomorrow. If that be so, it is directed that the Lower Court’s order of stay will be continued for two weeks more.

(B.H. Marlapalle,J.)